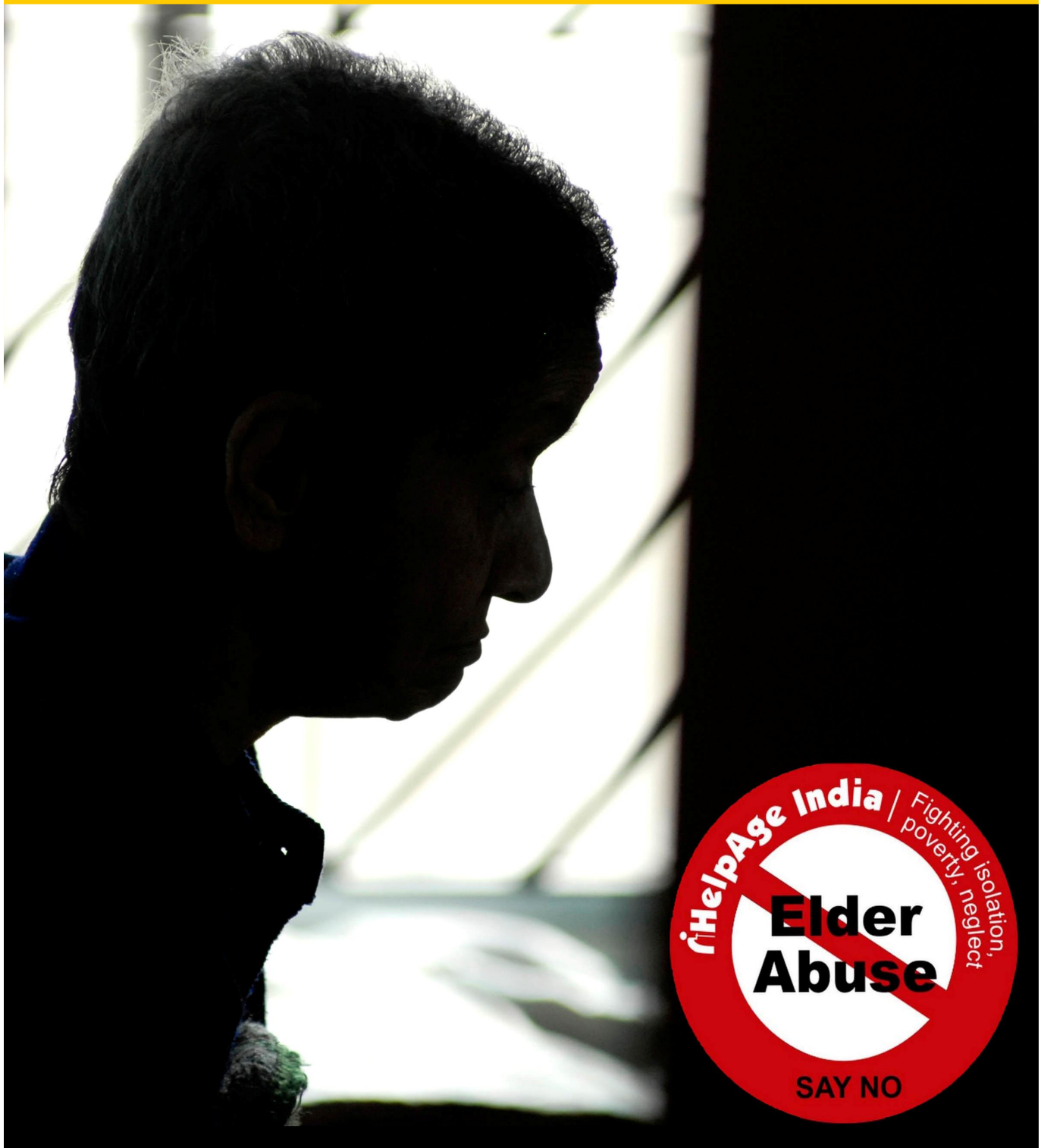


Elder Abuse in India



A HelpAge India Report 2012

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Executive Summary

Background

As per the last two research studies conducted by HelpAge India on Elder Abuse, the main perpetrator of Elder Abuse in India was from within one's family. HelpAge research in the year 2010 and 2011 in major cities of India revealed a disturbing trend that the maximum cases of Elder Abuse start within the family cutting across all Socio-Economic Categories (SEC). Both studies explored the nature and extent of abuse, the main perpetrators of abuse, awareness on measures to prevent abuse, along with action taken.

HelpAge India has taken the issue of Elder Abuse in the country for the purpose of advocacy on safety and security of the older persons. Though there is no authentic national level data available on the prevalence of the problem, there are estimates and anecdotal evidence to prove that it is a growing problem. With growing urbanization and industrialization, there is immense stress on the individual and society at large to cope with the pressures of modern day to day living. This further impacts the ability to take care of elders leading to abuse. HelpAge has taken a strong stand against this heinous act and is relentlessly fighting it with its '**I Say No to Elder Abuse**' campaign. It is assumed that Elder Abuse will escalate in the future due to increasing longevity and the consequent rise in the burden of care.

The 2010 study covered 100 older people from each of the 8 major cities identified from SEC A & B areas. The 2011 study focused on 9 major cities with respondents from SEC C & D along with covering the aspect of crime against elders as well. Individual respondents were selected using the random sampling technique.

There is a need to take this initiative forward and understand the prevalence and impact of Elder Abuse on a larger scale and what measures need to be taken to combat this problem. Therefore the **Year 2012 study on Elder Abuse in India by HelpAge, spanned 20 cities** where HelpAge India is operating Elder Helplines, interviewing 5600 elders (280 in each location) covering SEC A, B, C & D. The cities covered were: **Delhi NCR, Mumbai, Kolkata, Bangalore, Hyderabad, Guwahati, Patna, Chandigarh, Panaji, Ahmedabad, Shimla, Jammu, Kochi, Bhopal, Bhubaneswar, Puducherry, Jaipur, Chennai, Dehradun, & Lucknow.**

The Study explored the following aspects:

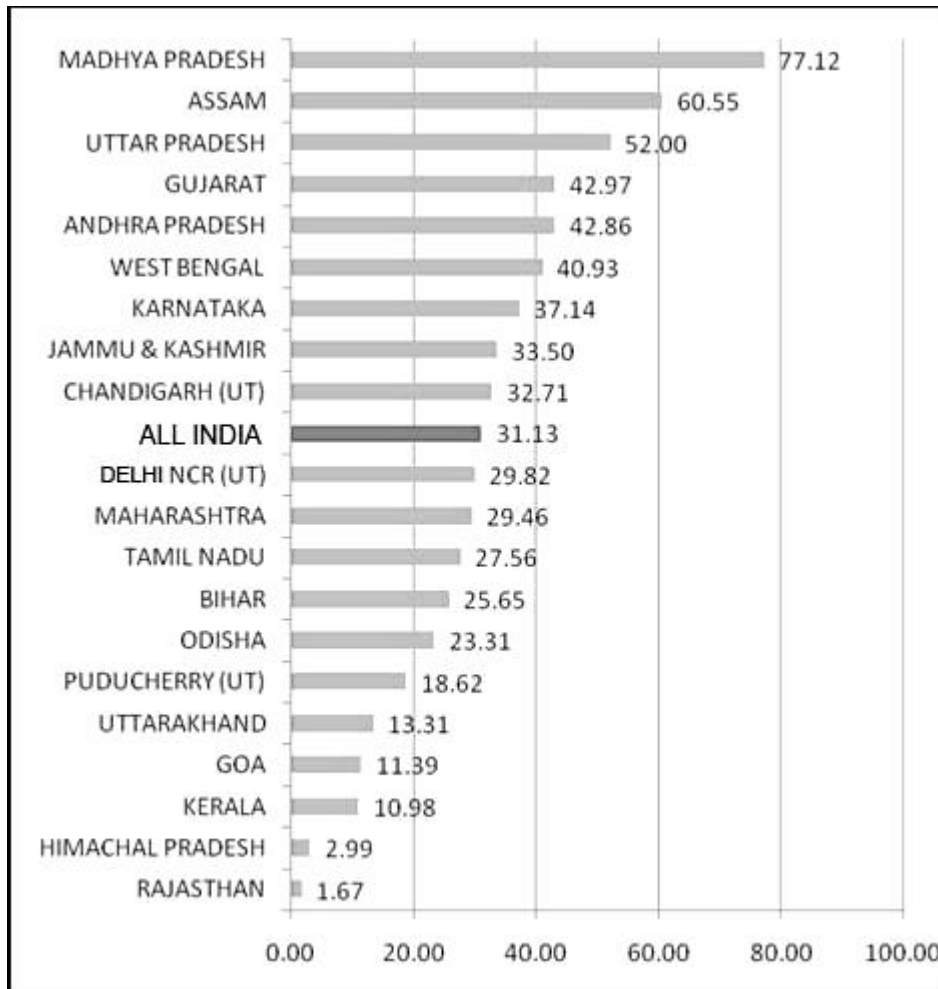
- Perception on what constitutes elder abuse
- Perception on prevalence and most prevalent type of abuse
- Personal Experience of Abuse
- Reporting Behaviour of older persons
- Suggestions for effective measures to deal with elder abuse
- Information about currently available intervention mechanisms

Main Findings

- 31% of older persons reported facing abuse.
- **More than half of those abused were facing it for more than 4 years** and all these were facing multiple forms of abuse.
- 24% older people faced abuse almost daily.
- **75% of those who faced abuse lived with family** and 69% were owners of the house in which they were living.
- **The primary abuser was the son in 56% cases, followed by the daughter-in-law with 23% cases.**
- **More than 50% of those abused, had faced this situation for more than 5 years.** 33% faced it for up to 3 years and less than 1 % faced it for more than 6 years.
- 55% of those abused, did not report it to anyone. **More than 80% of these did not report the matter to uphold family honor.**
- **62% older persons suggested the most effective mechanisms to tackle Elder Abuse was sensitization of children and strengthening of intergenerational bonding** and **38% stated it to be economic independence.**
- 18% older persons did not know about any of the currently available redress mechanisms. 36% knew about one and 46% knew two or three of the options.
- The older persons considered disrespect, neglect and verbal abuse as Elder Abuse.
- Disrespect, followed by neglect and verbal abuse, were thought to be the form in which Elder Abuse was most prevalent in our society.
- 6% older persons did not know what constitutes Elder Abuse.
- 81% older persons thought that Elder Abuse was prevalent in our society.
- Only 22% older persons considered the prevalence rate of Elder Abuse in society to be high; an equal proportion considered it to be low and 56% said it was moderate.
- Most of the abused older persons experienced disrespect; neglect and verbal abuse
- Little less than 50% of the older persons had seen cases of Elder Abuse in their surroundings
- Out of those who reported abuse, 49% elders chose a family member for reporting/ confiding about it.
- **Police Helplines and services were known to majority of the respondents but were never used, probably due to lack of trust or to maintain family honor.**
- **Delhi NCR witnessed a rise in abuse from last year, with 29.82% elderly stating they faced abuse, as against 12% the year before.** Mumbai (Maharashtra) followed a close second to Delhi NCR with 29.46 %.
- **Bhopal (MP) ranked the highest in Elder Abuse with 77.12% elders** stating they faced abuse, followed closely by Guwahati (Assam) with 60.55% and Lucknow (UP) with 52%.

- Other than Bhubaneswar (Odisha) with 23.31%, Eastern India on an overall basis had high percentage of Elder Abuse with Guwahati(Assam) - 60.55% & Kolkata (WB) – 40.93% .
- Jaipur (Rajasthan) reported a miniscule 1.67% cases of Elder Abuse.
- 11% of older women and 6% older men did not have any knowledge about the currently available reporting and redress mechanisms. None of the respondents knew about all the available mechanisms.
- 19% older women knew about one mechanism as compared to 17% men, and 21% women knew 2 or 3 mechanisms as compared to 25% older men.

A quick intercity comparative graph on existence of Elder Abuse in India (%)



HelpAge Recommendations based on views of the Older Persons:

- There should be nationwide programmes in schools for sensitizing the children towards ageing and aged.
- A robust social security system that not only ensures income security for the elderly, but also gives them opportunities for income generation.
- Involvement of society at large in prevention of Elder Abuse.

Chapter 1: Introduction

Background

Though the impact of social change on Indian family has been somewhat slow and complex, but for the past three decades the pace has been rapid and far reaching, resulting in the metamorphosis of its structure and functioning. It has been influenced by the new liberal capitalist economic structures and institutions, employment structures, educational and health services. There are an estimated 100 million older people in Indian, by 2050 the figure is estimated to rise to 326 million (*UN projections*).

The Government's policies for Demographic intervention and for ensuring individual rights also had implications on the structure and function of family in India. The traditional structure and function with its heavy dependence on exclusive utilization of the labour of women members received a major blow by the new policies of demographic intervention and related policies of educating and empowering women, with various laws to protect their rights. In the process, pattern of behaviour and communication within the family, roles, rules, support systems and resources available to the family, and the nature of coping strategies adopted by families have also transformed.

Violence within the family is a result of these factors that cause stress and create dysfunctions in the family like lack of cohesion, adaptability and negative communication patterns.

The laws like Maintenance and Welfare of Parents and Senior Citizens Act 2007 serve as a deterrent and also as an enabling law for anybody in need of such help. As per the Act, a Maintenance Application can be filed by parents and senior citizens above 60 years who are unable to maintain themselves, against children or relatives in case they are mistreated or not looked after. Under the Act, States shall form tribunals for deciding upon the order for Maintenance. If, children or relatives ordered by the Tribunal to pay Maintenance to the elderly fail to comply, they are liable to a fine or imprisonment. Abandonment of the elderly is now a cognizable offence. In case those responsible for looking after or protecting the senior citizen leave him/her in any place with the intention of wholly abandoning, they can be punished and fined.

Elder Abuse in the World

The magnitude of Elder Abuse is not known, but various studies have given various estimates. In a report published by National Centre on Elder Abuse, the best available estimates say that between 1 and 2 million older Americans have been injured, exploited, or otherwise mistreated by someone on whom they depended for care or protection. According to a research report of National Centre for Social Research, in UK, approximately 0.34 million older people were subject to some form of mistreatment in the last one year.

Situation in India

In the context of the changing demographic scene and social values, the situation of the elderly in Indian society is becoming more critical and of late abuse and neglect of the elderly in the family context especially is emerging as a significant problem.

The traditional norms and values of Indian society laid stress on giving respect and taking care of older persons. The family has traditionally fulfilled the needs of the elderly in respect to social, psychological and economic security. In turn the elderly have contributed acquired wisdom, accumulated wealth, and maintained family harmony. In other words, this relationship has been symbiotic. Such a system of mutual support however, is facing headwinds in a modern day society. Assessing the impact of the forthcoming social changes on the status of older persons, many experts apprehend that the transition from an agrarian to an urbanized society would certainly worsen the plight of older persons. Given this trend, the older persons face innumerable problems to adjust to, in varying degrees. These problems range from absence of income to physical dependence and loss of social role and recognition.

Elder Abuse

The definition developed by Action on Elder Abuse in the United Kingdom and adopted by the International Network for the Prevention of Elder Abuse states that: *“Elder Abuse is a single or repeated act or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person.”*

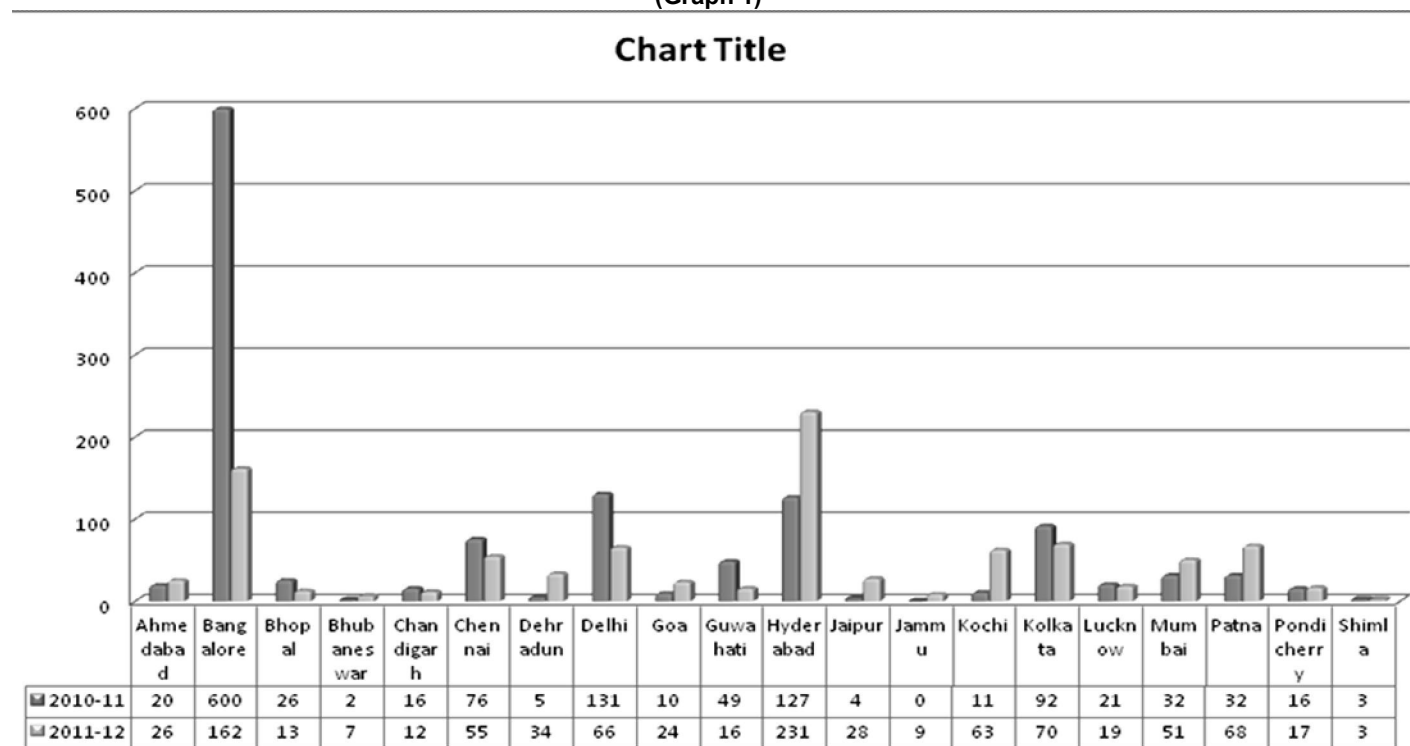
Such abuse is generally divided into the following categories:

- **Physical abuse** – the infliction of pain or injury, physical coercion, or physical or drug induced restraint.
- **Psychological or emotional abuse** – the infliction of mental anguish.
- **Financial or material abuse** – the illegal or improper exploitation or use of funds or resources of the older person.
- **Sexual abuse** – non-consensual sexual contact of any kind with the older person.
- **Neglect** – the refusal or failure to fulfil a care giving obligation. This may or may not involve a conscious and intentional attempt to inflict physical or emotional distress on the older person.

HelpAge Elder Helplines across the country, address problems of elders such as abuse, isolation, neglect, they facilitate emergency responses, provide information on access to various elderly schemes and provides linkages with the government, police and referral rescue & relief services along with counselling. They also give an insight on the prevailing condition of the elderly and their concerns. In year 2011-12 HelpAge received 974 calls relating to Abuse, Violence and Disputes.

Toll free Helpline Number: 1800 – 180 – 1253 (In Chennai & Cuddalore (TN) and Delhi, simply 1253 works within city limits).

Calls received by the HelpAge Elder Helplines on Elder Abuse, Violence & disputes (in numbers)
(Graph 1)



Chapter 2: The Project

There is a dearth of authentic data available on quantitative research on Elder Abuse. This study is an attempt to fill the gap and its outcome is expected to provide a better understanding of the status and bring out areas that need intervention and advocacy.

The Purpose

- To ascertain the scale and expanse of Elder Abuse in our country.
- To understand the perception of the elderly on this issue
- Their awareness about the existing redress mechanisms

The Aim

- To develop appropriate social and legal intervention strategies to prevent this anomalous behaviour.
- To protect the older persons from abuse and its physical and mental consequences.
- To develop appropriate strategies for effectively dealing with this menace.

Methodology – Cluster Sampling

A commonly used two-stage cluster sampling scheme, the “30 x 7” sample developed by the World Health Organization was used as reference. For this study, a 20 x 40 formula was used i.e. 20 cities were selected in the country and from each 40 interview sites were selected according to the various Socio-Economic Categories of people to collect the data and from each site 7 older persons were selected randomly for the research. Easily identifiable points such as schools, temples and police posts were used as starting point in each sampling area. Since it was not possible to include more than 20 census blocks in the first stage of the sample, the number of interview locations in the second stage was increased in order to achieve the same precision as with a 30 x 7 design.

In other words, **800 locations were selected in 20 cities** to interview 5,600 older persons to understand the reach and expanse of this challenge to the safety and security of the older persons.

This year the research study was conducted in the cities listed below (*Ref: Table 2*) which included 8 cities that were covered in the previous studies as well. The cities were:

(Table 2)

S. No.	State/Union Territory	City
1	Andhra Pradesh	Hyderabad
2	Assam	Guwahati
3	Bihar	Patna
4	Chandigarh(UT)	Chandigarh

5	Delhi NCR (UT)	Delhi
6	Goa	Panaji
7	Gujarat	Ahmedabad
8	Himachal Pradesh	Shimla
9	Jammu & Kashmir	Jammu
10	Karnataka	Bangalore
11	Kerala	Kochi
12	Maharashtra	Mumbai
13	Madhya Pradesh	Bhopal
14	Odisha	Bhubaneswar
15	Puducherry(UT)	Puducherry
16	Rajasthan	Jaipur
17	Tamil Nadu	Chennai
18	Uttarakhand	Dehradun
19	Uttar Pradesh	Lucknow
20	West Bengal	Kolkata

An interview schedule with closed ended questions (ANNEXURE 1) was designed to collect data from the older persons. The data was collected by the staff of HI and also the volunteers of Senior Citizens' Associations in all the cities.

Profile of Respondents

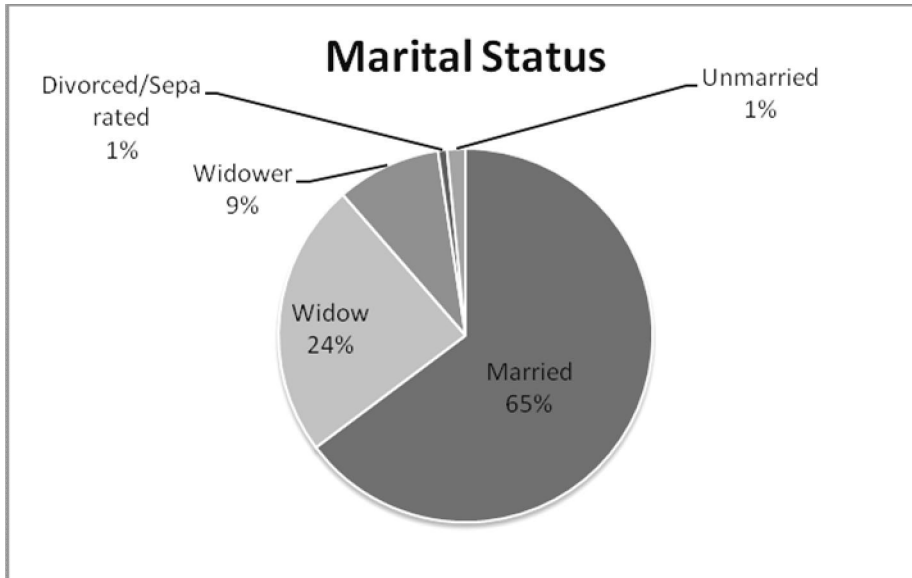
A total of 5,600 older persons were approached for the research. Of these responses **5400 were found valid**. 51% of the respondents were women. 59% respondents were in the age group of 60-69 years; 28% in the age group of 70-79 years and 8% in the age group of 80 years and above. In the age group of 60-69 there were comparatively more women than men and in other two categories there were more men than women.

The educational qualifications of the respondents ranged from illiterate to post graduate with 16% of the respondents in the former and 13% in the latter category. The proportion of those with primary, matriculation and higher secondary was almost same at 13% and 9% respondents had education up to middle level of school.

Marital Status

65% of the respondents were married. 24% were widows and 9% widowers. 1% divorced and 1% were separated. (Ref: Chart 1)

(Chart 1)



Living Arrangement

An overwhelming 74% of the respondents lived with the family compared to 8% who lived alone. 15% lived with spouse only. An overwhelming 73% of the respondents were owners of the house in which they lived.

Economic Status

Only 7% of the respondents were unemployed. 4% were unskilled labour, 3% skilled labour and almost the same proportion were petty traders. 4% respondents were in private service and 6% had retired from private service; 5% were self employed professionals. 18% were state government retirees and 9% central government retirees. 5% were in business and 26 percent were home makers.

Chapter 3: Findings and Discussion

The prevalence of Elder Abuse in societies has come into the public domain in the recent past with cases of violence against family members resulting from far reaching changes in its structure and function. Many countries have well developed social and legal intervention mechanisms ranging from social welfare services to protection laws. However, in traditional and transition societies like India, it is still private. There are no special services for older persons facing these challenges; though there are laws to safeguard the victim.

Whatever little is available by way of laws of the land, is lost in implementation, as there are structural and cultural constraints in accessing them. Even if some gritty older person is able to approach these welfare / protection services they are generally defeated by the elder-unfriendly attitude of the implementer and social disdain. It is general experience that cases of mistreatment which are fairly common are beyond the purview of the formal institutions. Their role is more clearly perceived and defined in the cases of violence, which are much fewer.

India is on a threshold of a demographic and cultural transition and in the near future we too would be facing the challenges that ageing societies in the West are grappling with today. Therefore, there is need to bring the issue of Elder Abuse on the table and understand the perception, experience and apprehensions of the older persons; so as to devise appropriate laws and services for the present and the future.

In the West, formal services for older people are well developed and extensively used. In India, there is still heavy dependence on informal support structures like the family. Therefore, the research project has limited its scope to only violence and mistreatment within the family settings.

Perception of Older Persons on Elder Abuse

Perception on What Constitutes Elder Abuse

Disrespect, neglect and verbal abuse, were considered as the most appropriate choices that define Elder Abuse. **40% men and almost similar proportion of older women selected disrespect as the most important constituent of elder abuse followed by neglect and verbal abuse.** This perception did not vary significantly across different age and educational categories.

Here it is important to mention that 6% of the older persons did not know what constitutes Elder Abuse. 29% of these respondents were illiterate, 16% were educated up to primary level and only 6% were post graduates. 61% in this category were older men.

Perception on Prevalence of Elder Abuse

81% older persons thought that Elder Abuse is prevalent in our society; of this 39% were older men and 42% older women. Out of those who responded in negative, the proportion of men and women was 10% in each category. In the age group of 60-69 years, comparatively more women than men thought that elder abuse existed in our society. In all the other age groups, more men than women held this view.

In the age group of 60 to 69 years 82%, while in 70-79 years 78% and in the age group of 80 years and above 79% were of the view that Elder Abuse is prevalent in our society.

The older persons were asked to rate prevalence of Elder Abuse on a scale of low, moderate and high. According to 56% of the older persons the prevalence rate of Elder Abuse was moderate in our society. Out of this 57% were older women; there was marginal difference between the opinion of males and females across the other two levels (low & high).

In the various age categories also the same trend was visible except in the age group of old-old (70-79 years) where 21% rated it high and only 19 % as low.

Perception on Most Prevalent Type of Elder Abuse

Disrespect was shown as the most prevalent type of Elder Abuse in our society followed by neglect and verbal abuse. 49% older men as compared to 51% older women selected disrespect as the most important constituent of Elder Abuse. 52% women as compared to 48% older men stated neglect to be the next most important constituent of Elder Abuse. 52% older women compared to 48% men rated verbal abuse to be the third most important constituent of Elder Abuse.

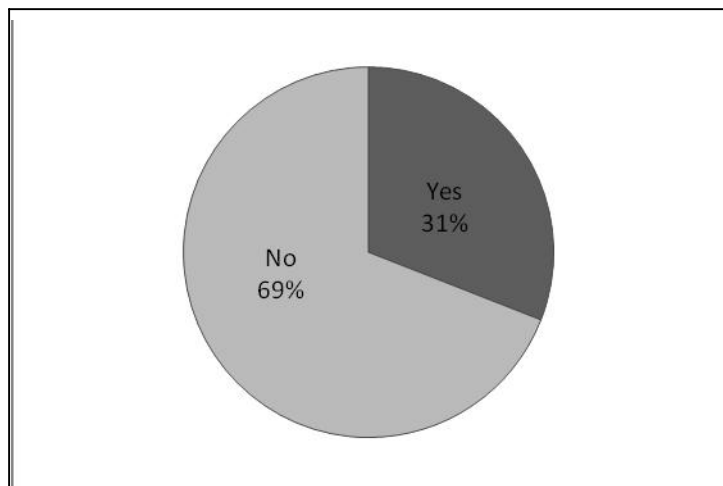
14% illiterate respondents rated disrespect as most prevalent form of abuse compared to 28% in the graduate category. Almost the same proportion stated neglect and verbal abuse to be the second and third most important element respectively.

Experience of Elder Abuse

31% of the older persons had experienced abuse (*Ref: Chart 2*). Of the total respondents in the age group of 80 years and above 36% had experienced abuse. The proportion of the abused in the age group of young old and old-old was comparatively less in the respective age categories. Of those abused, 18% older women as compared to 13% men had experienced it.

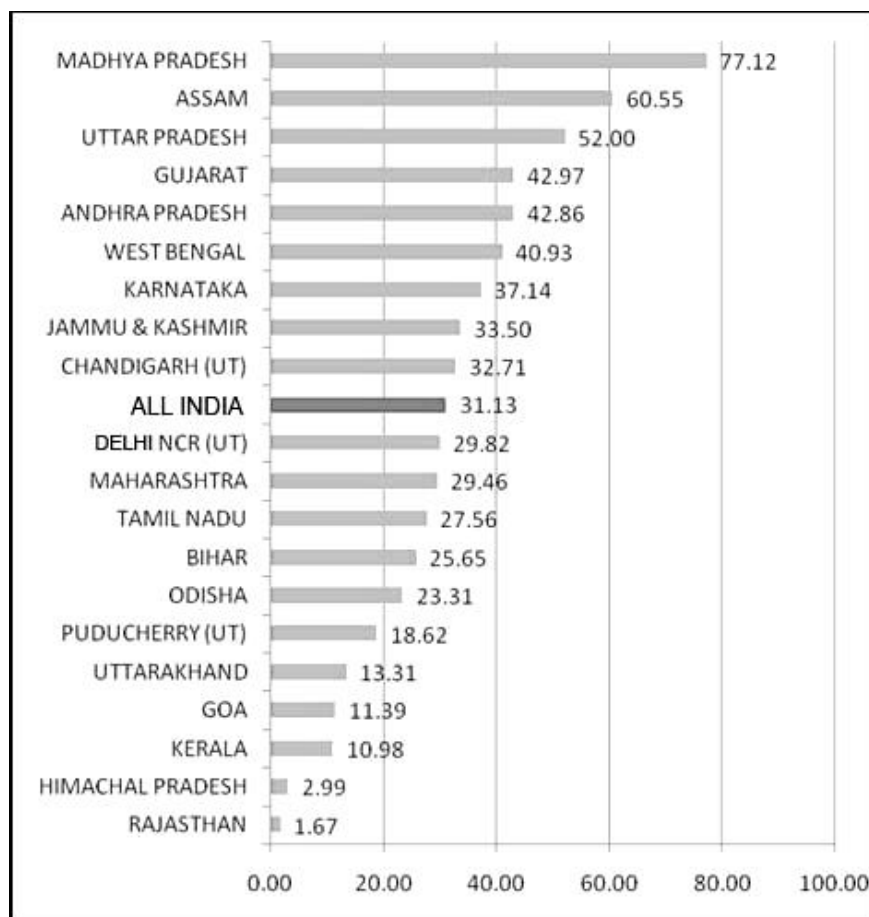
75% of the abused older persons were living with the family, 11% with the spouse only and 5% were living with relative. 9% of those living alone also faced abuse mainly from the son who was living separately. 69% of the abused older persons were owners of the house in which they were living.

Those who faced Abuse *National (%)* - (Chart 2)



Bhopal (MP) ranked the highest in Elder Abuse with 77.12% elders stating they faced abuse, followed closely by Guwahati(Assam) with 60.55% and Lucknow (UP) with 52%. Delhi NCR witnessed a rise in abuse from last year, with 29.82% elderly stating they faced abuse, as against 12% the year before. Mumbai (Mharashtra) followed a close second to Delhi NCR with 29.46 %.The better state turned out to be Jaipur (Rajasthan) which had a miniscule 1.67% of Elder Abuse. (*Ref.:Graph 2*)

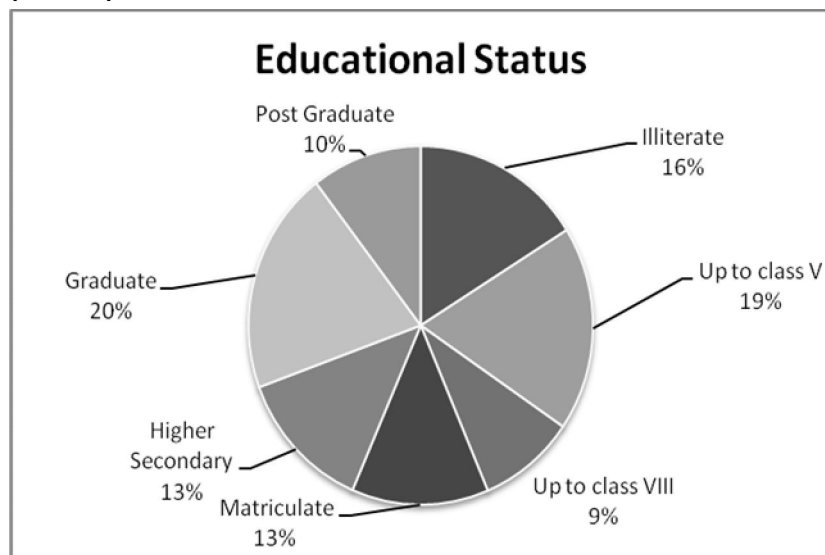
Intercity comparative on existence of Elder Abuse (%) – (Graph 2)



Educational Status of those who face abused

20% of those who had experienced abuse were graduates, 19% had education up to primary level and 16% were illiterate. (Ref: Chart 3)

(Chart 3)

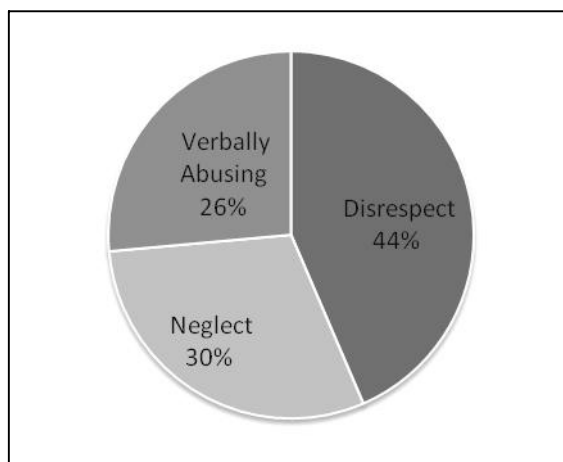


Type of Abuse Faced

44% respondents identified disrespect as the most common form of abuse, 30% identified neglect as the second most common form and 26% identified verbal abuse. (Ref.: Chart 4)

11% illiterates identified disrespect as most commonly faced form of abuse as compared to 22% graduates. The proportion was similar in case of neglect, but for verbal abuse i.e. the third most common type of abuse faced, 10% illiterates as compared to 24% graduates faced it. The difference between responses of males and females was minimal.

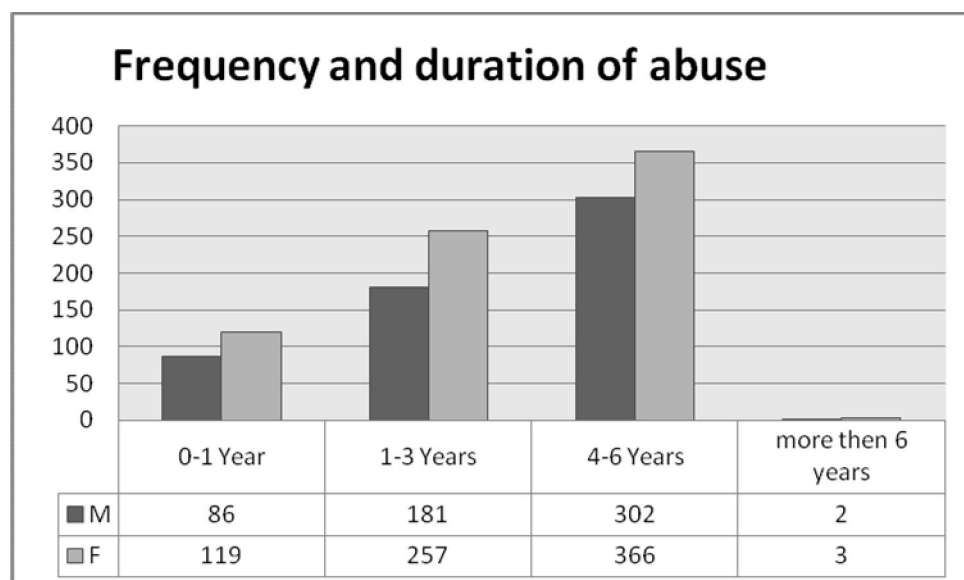
Type of Abuse Faced – (Chart 4)



Frequency and Duration of Abuse

More than half of those abused were facing it for more than 4 years, 33% older persons were facing it for up to 3 years and 16% for about a year. In all the categories, more women faced abuse than men. 55% older women compared to 45% men faced it for more than 4 years; 59% compared to 41% for up to 3 years and 58% compared to 42% for less than a year. (Ref: Graph 3)

Frequency and Duration of abuse (in numbers) – (Graph 3)



For those who faced abuse for more than 4 years 100% faced multiple types of abuse. For those who faced abuse for up to 3 years 55% faced multiple types and 45% single type. For those who faced it for up to a year 55% faced multiple type compared to 45% single type.

27% older people faced it once a week and more or less 24% in the other categories ranging from almost daily to once in a few months. In the age group of 60-69 years and 70-79 years, 28% faced it once a week and 33% faced it once in few months for those above 80 years.

49% faced a single type of abuse daily and 50% faced it once in a month. 36% faced multiple abuses once a week and 31% once a month. 16% of those who faced a single type of abuse were illiterates and 17% graduates. 17% who faced multiple abuses were illiterates as compared to 20% graduates. 18% illiterates faced it daily compared to 17% graduates. 18% of the abused refused to divulge details of abuse.

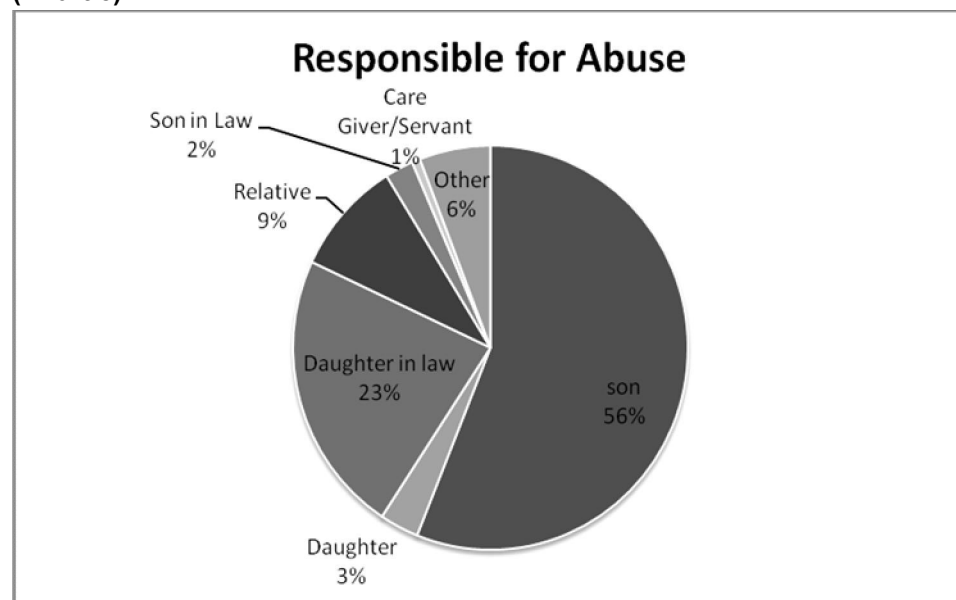
Primary Perpetrator Responsible for Abuse

In 56% cases of abuse, the son was identified as the primary abuser compared to 23% cases where daughter-in law was responsible. 30% older women compared to 26% men identified son as the primary abuser. 15% of older women compared to 8% men identified daughter-in-law as the primary abuser.

(Ref.: Chart 5)

20% of those abused by son were illiterates as compared to 17% graduates. 15% of those abused by daughter-in law were illiterates as compared to 18% graduates.

(Chart 5)



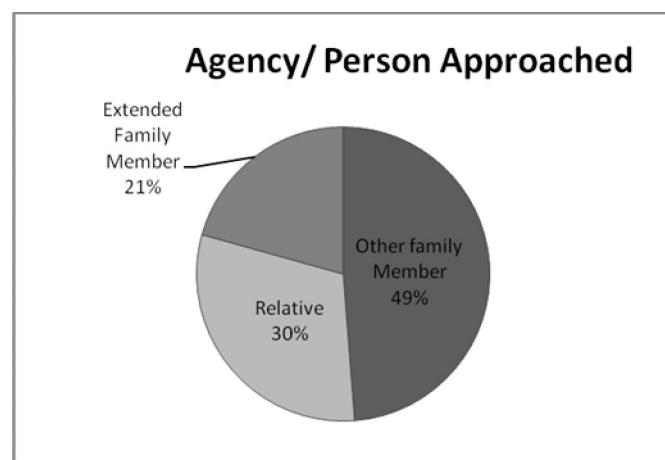
Reporting Behaviour

45% of the older persons who were abused reported it. Out of the total older men who faced abuse, 47% reported it as compared to 53% who did not report it, whereas for older women, only 43% reported it as compared to 57% who did not report it. In the age group of young-old and old-old the difference between those who reported and not reported abuse was almost 15%.

In case of those who reported 15% were illiterates compared to 21% graduates. Out of those who did not report 18% were illiterates compared to 19% graduates.

Out of those who reported abuse, **49% stated 'other family member' as their first choice to report the matter, followed by 30% who selected a relative and 21% stated member of extended family as the third best option.** (Ref.: Chart 6)

(Chart 6)



44% of those abused, reported maintaining confidentiality of family matters as the most important reason for selecting a family member, followed by 31% who stated the confidence in the ability of the person to solve the problem as the reason, as second choice. In other words, 75% older persons were making their decision about reporting, based on the need to protect family confidentiality and the ability of its members to deal with the dysfunction. 25% stated that they did not know any other way to deal with the problem as the third most important reason for approaching the person they did.

Out of the 55% who did not report abuse, 57% maintained confidentiality of family matter was the first most important reason, as well as 22% stated it as the second most important reason, while the remaining 21% stated lack of confidence in the ability of the person or agency to solve their problem. In other words, family honour weighed very heavily in the minds of 79% of the older persons while deciding about reporting abuse. The others lacked confidence in the ability of any person or agency to solve their problem. This attitude cut across gender and educational categories.

Observation of Actual Abuse in the Surroundings

46% older persons had observed cases of abuse in their surroundings. Out of these, 48% were older men and 52% were women.

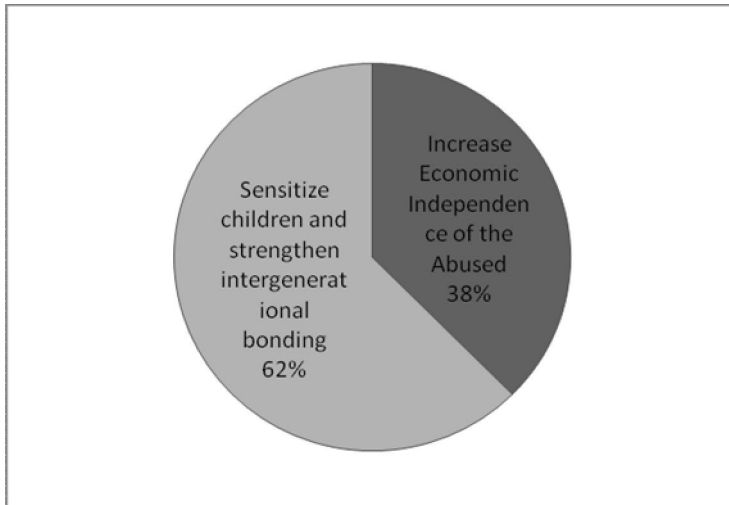
41% identified disrespect as most prevalent, followed by 31% who identified neglect as the second most prevalent and 28% identified verbal abuse as third most prevalent. Out of those who identified disrespect as the most observed type of abuse 29% were graduates and 17% were post graduates.

80% respondents identified lack of adjustment as the most important reason for Elder Abuse and 20% identified economic dependence of the abused as the third most important reason for Elder Abuse.

Suggestions for effective measures to Deal with Elder Abuse

62% respondents identified sensitizing children and strengthening intergenerational bonding as the most effective way to deal with the challenge of Elder Abuse in our society and 38% identified increasing economic independence of the abused to fight this menace. (Ref.: Chart 7)

Suggestions for effective measures to deal with Elder Abuse (%) – (Chart 7)



Awareness about Existing Intervention Redress Mechanisms

11% of older women and 6% older men did not have any knowledge about the currently available redress mechanisms. 19% older women knew about one option as compared to 17% men, and 21% women knew 2 or 3 options as compared to 25% older men. None of the respondents knew about all the available instruments.

32% of those who did not know about any mechanisms were illiterates as compared to only 6% in the post graduate category. Of those who knew more than 2 mechanisms, 19% were post graduates as compared to 8% illiterates.

Out of those older people who didn't know what constituted Elder Abuse, **65% were aware of police Helplines and 18% were aware of the Maintenance and Welfare of Parents and Senior Citizens Act 2007. 11% knew about HelpAge India's Elder Helpline.**

Chapter 4: Conclusion and Recommendations

Conclusion

As per the 2001 Census, in India the population of older persons constituted 7.44% of the total population; and in the year 2011 it was projected to be 8.3% of the total population and increase to 12.4 % in the year 2016. If we look at the life expectancy figures, we find that in the years 1941-50, at birth life expectancy was 32 years and at the age of 60 years it was 10.7 years but in the years 1991-1995 it was 60.3 years at birth and 16.2 years at 60 years. To put it simply, a large number of people are living longer.

This fastest growing segment of the population would require additional resources, both human and material for sustaining a good quality of life. This would burden the formal and informal structures and might result in its weakening or becoming dysfunctional.

In India, family has been the mainstay of the social support. Even in this age and time, 58% of the older persons in India are living with the family. The findings of this report also affirm confidence in the ability of the family to care for its older members. In the sample, an overwhelming majority was living with the family and did not face Elder Abuse. Though it is true that those who were being abused were living with the family; but, the importance of family could be gauged from the fact that most of those who reported abuse preferred to keep it in the family and did not use any legal redress mechanisms. Most of the respondents including those who faced abuse were of the view that sensitization of children and strengthening of intergenerational bonding would be the most effective way of dealing with this menace.

The **National Policy on Older Persons** also has recognised the importance of family for the wellbeing of older persons and has following provisions:

- Programmes will be developed to promote family values, sensitise the young on the necessity and desirability of inter-generational bonding and continuity and the desirability of meeting filial obligations
- State policies will encourage children to co-reside with their parents by providing tax relief, allowing rebates for medical expenses and giving preference in the allotment of houses
- Short term stay-in facilities for older persons will be supported so that families can get some relief when they go out.
- Counselling services will be strengthened to resolve inter-familial stresses.

Tackling the issue of Elder Abuse within the parameters of family would be a socially rewarding exercise as it would be culturally appropriate and the most enduring solution. It would be better than the legal and punitive measure that should be reserved only as a last resort.

The laws like **Maintenance and Welfare of Parents and Senior Citizens Act 2007** act like as a deterrent and also as an enabling law for those in need of such help. There is an urgent need to follow the provisions of the National Policy and start services that address conflict within the family as well as deal with the external environment of the family.

Recommendations

Based on the Findings of this Research Study HelpAge India strongly recommends that following actions to be taken immediately to prevent Elder Abuse:

- There should be nationwide programmes in schools and colleges for sensitizing children and young adults towards ageing and aged.
- Utilizing and garnering support from the Media through Information dissemination in fighting Ageism, creating awareness on general issues of ageing and taking ageing in the perspective of life course.
- Legal frameworks, elder-friendly and culturally appropriate implementation processes and agencies, to maximise reach to the intended beneficiaries.
- Involvement of society at large in prevention of Elder Abuse.
- Sensitization of health care workers to recognise and develop a protocol for treatment.
- Develop a system that is able to benefit the most vulnerable older persons.
- A robust social security system that not only ensures income security to the older persons but also gives them opportunities for income earning and income generation.

Long term steps for Recommendation:

Elder Abuse has its roots in the culture of any society and some long term steps should also be taken to develop atmosphere that is free of ageism. Some of the recommendations are:

- Print and electronic media to be sensitized to highlight urgent concerns of older persons on a regular basis.
- Media to partner with voluntary sector organisations to spread awareness about ageing issues.
- Industry and employers associations to be sensitised to develop programmes for retraining of retired employees and retaining of the employees in different capacity.
- Health system to be sensitized to recognise and deal effectively with cases of Elder Abuse.

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Elder Abuse Respondent Questionnaire

Date:

Section 1

Locality..... City..... State.....

Q.1. Details of Respondent

Name	Age	Gender	Marital Status	Educational Status	Occupation	Monthly Income	Living Arrangement	Ownership of House

Q.2 Details if Living with Family

S. No.	Relation with the Respondent	Age	Educational Status	occupation	Monthly Income

Section 2

Q. 1. What according to you amounts to elder abuse? Please rank all the given statements starting with 1 as the most appropriate.

Disrespect	Beating/Slapping	Verbally Abusing	Economic Exploitation	Unwelcome or forcible Sexual Contact	Neglect	Any Other(Pl Specify)	Don't Know

Q.2. Do you think elder abuse in any form is prevalent in your society?

Yes	No
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Q.3.If yes, then what according to you is the prevalence rate?

High	Somewhat	Low

Q.4. What is the form in which it is most prevalent? Give top three choices starting with 1 as the most prevalent.

Disrespect	Beating/Slapping	Verbally Abusing	Economic Exploitation	Unwelcome or forcible Sexual Contact	Neglect	Any Other(Pl Specify)	Don't Know

Q.5. Have you ever been a victim of elder abuse? In No then please go directly to Q No. 14.

Yes	No
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Q.6. If yes, what type of abuse did you face? Rank in case of multiple forms starting with 1 as the most common.

Disrespect	Beating/Slapping	Verbally Abusing	Economic Exploitation	Unwelcome or forcible Sexual Contact	Neglect	All those mentioned	Any Other(Pl Specify)

Q.7. For how many years have you been facing abuse? Please give details of duration.

Q.8. In the last one year how many times did you face this situation? Give details of abuse faced along with the frequency.

Almost Daily	Once in a Week	Once in a month	Once in a few months	Very rarely

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Q. 9. Who was responsible for the abuse? Give details.

Son	Daughter-in-law	Daughter	Son-in-law	Relative(Pl Specify)	Care Giver/Servant	Any Other (Pl specify)

Q.10. Have you made any attempt report these incidents?

Yes	No

Q.11. If yes, who did you approach? Rank the top three options starting with 1 as the most frequently used option.

Other family Member	Extended Family Member	Relative	Friend	Community Leader	Social Worker	Local Police	NGO	Any Other (Pl Specify)

Q.12. Why did you approach that particular person/agency? Rank top three choices starting with 1 as the most important reason.

Confidence in the ability of the person/agency to solve the problem	Did not know any other way to deal with the problem	To maintain confidentiality of the family matter	Apparent Ineffectiveness of other ways and means	Any Other(Pl. Specify)

Q.13. If you did not report the matter, please give reasons. Please rank top three choices starting with 1 as the most important reason

Lacked Confidence in the ability of any	Did not know how to deal with the problem	To maintain confidentiality of the family	Apparent Ineffectiveness available channels	Fear of Retaliation	Any Other(Pl. Specify)

person/agency to solve the problem		matter	of reporting and redress		

Q.14. Have you come across cases of elder abuse in your surroundings? If no, then go directly to Q.17

Yes	No
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Q.15. If yes, please specify the type. Rank the top three options starting with 1 as the most common form.

Disrespect	Beating/Slapping	Verbally Abusing	Economic Exploitation	Unwelcome or forcible Sexual Contact	Neglect	All those mentioned	Any Other(Pl Specify)

Q.16. What do you think are the possible reason for such behaviour? Please rank top three choices starting with 1 as the most important reason.

Economic dependence of the abused	Economic dependence of the abuser	Emotional dependence of the abused	Lack of adjustment	Increasing Longevity	Care Giver's Stress	Excessive Individualism	Any Other(Pl specify)

Q.17. How can we deal effectively with elder abuse? Please rank top three choices starting with 1 as the most effective mechanism.

Increase Economic Independence of the Abused	Develop effective legal reporting and redress system	Develop effective social reporting and redress system	Sensitize children and strengthen intergenerational bonding	Sensitize Young Adults	Develop Self Help Groups of Older Persons to provide assistance and intervention	Any Other(Pl Specify)

Q.18. Are you aware of the following reporting and redress mechanism?

Maintenance and Welfare of Parents and Senior Citizens Act 2007(MWPSC Act)	Tribunal Under the MWPSC Act)	Police Help Line	HelpAge India's Help Line	Any Other(Pl Specify)

MAINTENANCE & WELFARE OF PARENTS & SENIOR CITIZENS ACT, 2007

BACKGROUND:

Socio-cultural scenario:

In the traditional Indian system elderly were respected and they had a great decision making power in the family. Children felt duty bound to serve and respect the elderly and to contribute to the family resources. Children sought the counsel of elders for making major decisions and placed family resources at the disposal of elders for prudent handling.

During the last century this socio economic and value system has slowly eroded. More and more couples are working full time, families have become smaller and nuclear, migration and consumerism have become the order of the day. At the same time, life expectancy of the elderly has gone up from 32 years in 1947 to 67 years in 2001. All these factors cause pressures on families resulting in abuse, neglect and abandonment of the elderly. While most elderly are well looked after, many suffer from poverty, loneliness, neglect, abuse and abandonment and find it difficult to mobilise resources for their most basic needs as their children are either unable or unwilling to maintain them. Problem of widows, widowers and the childless elderly is even more acute.

Legal provisions:

All Indian citizens are entitled to fundamental rights guaranteed to them by the Indian Constitution. Senior citizens are no exception. They are also entitled to fundamental rights to life and personal liberty, freedom of speech and equality before law but these rights are often difficult for them to achieve for a variety of reasons.

Most personal laws including the Hindu Adoptions and Maintenance Act, 1956 recognise duty of the children to maintain their aged parents and the right of the parents to maintenance. Section 125 of the Criminal Procedure Code, 1973 specifically provides for maintenance from children if parents are unable to maintain themselves but cases are rarely filed by parents due to love and affection, fear of stigma and time and money required for the legal proceedings. A need has been felt for long for a simpler and faster means and HelpAge India, as part of its work for the cause and care of the elderly, has been advocating for provision of care and maintenance of the elderly amongst other measures.

MAINTENANCE & WELFARE OF PARENTS & SENIOR CITIZENS ACT, 2007

Government has come to the rescue of the elderly and has brought about "An Act to provide for more effective provisions for the maintenance and welfare of parents and senior citizens guaranteed and recognised under the Constitution and for matters connected therewith or incidental thereto." as follows

Title of the Act: "The Maintenance and Welfare of Parents and Senior Citizens Act, 2007".

Applicability: "It extends to the whole of India except the State of Jammu and Kashmir and it applies also to citizens of India outside India."

Effective Date: The Act shall come into force in a State from the date fixed and notified by the concerned State Government in the Official Gazette.

Provisions:

The Act has provisions detailed under the following chapters:

- I. Definitions
- II. Maintenance of Parents & Senior Citizens
- III. Establishment of Old Age Homes
- IV. Medical Care
- V. Protection of Life and Property
- VI. Offences

Summary of the Provisions:**Who is a Senior Citizen, Parent, Child or Relative under the Act?**

“Senior citizen” is any citizen of India of 60 years and above whether living in India or not.

“Parent” is the father or mother even if not of 60 years yet.

“Children” are adult son, daughter, grandson and grand-daughter

“Relatives” are those who are either in possession of the property of the senior citizen or would inherit it.

Who can demand maintenance under the Act?

Parents and grand parents who are unable to maintain themselves from their own income can demand maintenance from their children as defined above.

and

“Childless Senior Citizens” who are unable to maintain themselves from their own income can demand maintenance from their relatives as defined above.

What is Maintenance?

Maintenance includes provision for food, clothing, residence, medical attendance and treatment. Maximum amount which may be ordered for maintenance of a senior citizen by the Tribunal shall be such as prescribed by the State Government which shall not exceed Rs. 10,000/- per month.

Who is entitled to Maintenance?

Parents, grand-parents and senior citizens who are unable to maintain themselves from their own income and property are entitled to demand maintenance from their children and specified relatives respectively with sufficient means.

Whose obligation is it to maintain the elderly?:

It is the obligation of the children and specified relatives with sufficient means to provide maintenance for their parents and childless senior citizen respectively.

How is an Application for Maintenance made and decided?

Application for maintenance may be made by the senior citizen or parent to the Tribunal under Section 4 in layperson’s language giving names, full details and addresses of the persons from whom they are demanding

maintenance. If there is more than one child or relative, they may claim maintenance from one or all of them depending on their means of income.

Maintenance proceedings may be initiated against any child/children or relative in any district where the parent or senior citizen lives or last lived or where the child/children or relative live.

If such applicants are **incapable** of making an application themselves, any other person or registered voluntary organisation authorised by him/her can make the application; or the Tribunal can take suo motu cognizance and proceed. Upon receipt of the application, the Tribunal would issue notices to the children, conduct hearings, take evidence and order maintenance. Tribunal may also refer the case for reconciliation or pass interim orders for maintenance.

If the children or relatives fail to pay the ordered maintenance without sufficient reason for 3 months after its due date, the senior citizen can approach the Tribunal again who may impose a fine or order imprisonment of the child/relative upto a month or until payment is made whichever is earlier.

What if the elderly themselves and their children and specified relatives do not have sufficient means to maintain them?

State Governments may establish, in a phased manner, sufficient senior citizen homes and maintain the same for indigent or abandoned and neglected (by their kith and kin) beginning with at least one Old Age Home in each district sufficient to accommodate a minimum of 150 elderly. State Government may also prescribe scheme for management of old age homes, set standards and prescribe minimum services for medical care and entertainment of the elderly in the Old Age Homes.

Abandonment:

Under Section 24, if anybody who has responsibility for the care or protection of a senior citizen leaves him/her in any place, with the intention of wholly abandoning him/her, such person shall be punishable under the Act with imprisonment of either three months or fine upto Rs. 5,000 or both. The offence would be cognizable and will be tried by a Magistrate.

Conditional Transfer of Property:

An important provision has been made for the elderly to claim their property back from children, if given conditionally after commencement of the Act on promise of looking after their needs and amenities if such promise is not fulfilled. Under Section 23, if after commencement of the act any Parents or senior citizens have transferred their property to their children or relatives on the condition that they would provide certain maintenance and amenities to the senior citizen but subsequently neglect or refuse to do so the parents or senior citizens can get such transfers voided (cancelled) at their option by having such transfer treated as a fraudulent or coercive acquisition and seek return of their property so transferred.

Government's Role:

- Constitution of Maintenance Tribunals and Appellate Tribunals by the State Governments in all Sub Divisions and States within 6 months of commencement of this Act
- State Governments may make rules for carrying out the purposes of the Act by notification in the Official Gazette.
- Summary trials by the Tribunals for passing orders for maintenance.
- Lawyers excluded from the proceedings.
- Elderly can choose to seek maintenance either under this Act or under the provisions of the Criminal Procedure Code 1973 if applicable but not under both the provisions.
- "No Civil Court to have jurisdiction in respect of any matter to which any provision of this Act applies
- No injunction shall be granted by any Civil Court in respect of anything which is done or intended to be done by or under this Act." (Section 27)

- State Govt to designate District Social Welfare Officer or an equivalent officer as Maintenance Officer.
- Maintenance Officer can represent a parent or senior citizen if he/she wants.
- State Government may establish and maintain sufficient senior citizen homes for indigent or abandoned and neglected (by their kith and kin) beginning with one in each district sufficient to house 150 elderly.
- State Government may prescribe a scheme for management of old age homes, setting standards and minimum services necessary for medical care and entertainment of the elderly
- State Government to establish specific medical facilities, allocate doctors/hospital beds, expand treatment for chronic, terminal and degenerative diseases; and conduct research on ailments of the elderly and ageing.
- State Government to take all measures to sensitise and orient the police and judiciary regarding protection of life and property of the elderly and provisions of this act

This is a model Legislation passed by the Central Government for adaptation and application by the States. The Act will apply in a State from the date fixed and notified by the State in the official gazette.

For a full copy of the act kindly log onto the website of the Ministry of Social Justice & Empowerment:

<http://socialjustice.nic.in/oldageact.php>

Implementation Status of the 'Maintenance & Welfare of Parents and Senior Citizens Act 2007' in the country

22 States and all (7) Union Territories (UTs) have notified the Act. The Act is not applicable to the state of Jammu and Kashmir and Himachal Pradesh (which has a similar state Act). The States that have not notified the Act are: Bihar, Meghalaya, Sikkim and Uttar Pradesh.

States and UTs which have notified the Act are required to take the following measures to for effective implementation of the Act:

- Frame Rules under the Act
- Appoint Maintenance Officer/s
- Constitute Maintenance Tribunal
- Constitute Appellate Tribunal

The status of the steps taken by the notifying States and UTs as on 3.2.10 is as under:

States which have taken all the steps:

- Gujarat
- Kerala
- Madhya Pradesh
- Orissa
- Tamil Nadu
- Tripura
- West Bengal

States and UTs yet to take all the necessary steps:

States: Andhra Pradesh, Arunachal Pradesh, Goa, Maharashtra, Manipur, Mizoram, Nagaland and Uttarakhand

UTs: Andaman & Nicobar Islands, Dadra, Nagar Haveli, Daman & Diu, Lakshadweep and Puducherry.

States and UTs which have framed the Rules:

States: Gujarat, Haryana, Karnataka, Kerala, Madhya Pradesh, Orissa, Tamil Nadu, Tripura and West Bengal

UT: Delhi

States and UTs which have appointed Maintenance Officer:

States: Chhattisgarh, Gujarat, Jharkhand, Kerala, Madhya Pradesh, Orissa, Punjab, Rajasthan, Tamil Nadu, Tripura and West Bengal

UT: Delhi

States and UTs which have constituted Maintenance Tribunal:

States: Assam, Chhattisgarh, Gujarat, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Orissa, Punjab, Rajasthan, Tamil Nadu, Tripura and West Bengal

UTs: Delhi and Chandigarh

States and UTs which have constituted Appellate Tribunals:

States: Chhattisgarh, Gujarat, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Orissa, Punjab, Rajasthan, Tamil Nadu, Tripura and West Bengal

UT: Chandigarh

The other provisions of the ACT have not been implemented. There is a proposal under consideration whereby the Central Government is persuading the Planning Commission to allocate resources under the XII Five Year Plan (2012-17) for the purpose of setting up old age homes in states and UTs.

Helpline Numbers

a) HelpAge India - Elder Helplines Numbers Nationwide

S. No.	City	State Coverage	Toll Free Helpline Number
1.	Delhi	N C T of Delhi	1800-180-1253
2.	Mumbai	Maharashtra	1800-180-1253
3.	Kolkata	West Bengal	1800-345-1253
4.	Chennai	Tamil Nadu	1800-180-1253 & 1253
5.	Ahmedabad	Gujarat	1800-180-1253
6.	Bengaluru	Karnataka	1800-180-1253
7.	Bhopal	Madhya Pradesh	1800-233-1253
8.	Bhubaneswar	Odisha	1800-345-1253
9.	Chandigarh	Punjab	1800-180-1253
10.	Cuddalore	Tamil Nadu	1253
11.	Dehradun	Uttarakhand	1800-180-1253
12.	Guwahati	Assam	1800-345-1253
13.	Hyderabad	Andhra Pradesh	1800-180-1253
14.	Vijaywada	Andhra Pradesh	1253
15.	Eluru	Andhra Pradesh	1253
16.	Jaipur	Rajasthan	1800-180-1253
17.	Kochi	Kerala	1800-180-1253
18.	Lucknow	Uttar Pradesh	1800-180-1253
19.	Panaji	Goa	1800-180-1253
20.	Patna	Bihar	1800-345-1253
21.	Puducherry	Puducherry (UT)	1253
22.	Shimla	Himachal Pradesh	1800-180-1253
23.	Jammu	Jammu and Kashmir	1800-180-1253

- b) Alzheimer's and Related Disorders Society of India (ARDSI) National HO, Kerala: 098461 98473 / 098461 98471/ 098461 98786
- c) Bangalore Helpline: 9342730959, 9342730936
- d) Delhi Helpline: 26922940, 64533663, 09810270497
- e) Mumbai: 022 – 23742479
- f) Cansupport Helpline: 011-26102851 26102869 Email: cansup_india@hotmail.com
- g) Delhi Police Helpline: 1091, 1291 or write to: Police Commissioner, Delhi Police Post Box No. 171 GPO, New Delhi
- h) Dignity Foundation Helplines: Chennai +91- 44-26473165; Kolkata +91- 3324741314; Mumbai +91- 22- 23898078
- i) Mumbai Police and HelpAge Elder Line: 1090

- j) Greater Hyderabad Municipal Corporation and HelpAge Helpline (AASARA): 1253
- k) **Bangalore:** Nightingales and the Bangalore City Police: 1090 / 22943226 Nightingale's Medical Trust Elders' help line: 23548444
- l) **Mumbai:** Shree Manav Seva Sangh: 24081487; Silver Innings: info@silverinnings.com
- m) **Kolkata:** Dignity Foundation's help line for senior citizens: 24741314 ;Senior Citizen Helpline: 09830088884
- n) **Hyderabad:** Heritage Helpline: 23390000; Satyam - HMRI - 104

MISSION STATEMENT

To work nationwide for the cause & care of disadvantaged older persons and to improve their quality of life



HelpAge India Elder Helpline: 1800-180-1253

HEAD OFFICE

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Donations to HelpAge India's approved projects are 100% Tax Exempt under Section 35 AC and 80 GGA of the Income Tax Act

 **HelpAge India** | Fighting isolation,
poverty, neglect